

# **Exhibit A**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

KIMBERLY L. COX, )  
Plaintiff, )  
vs. ) CIVIL ACTION NO.  
MEGAN J. BRENNAN, ) 2:14-CV-00810-JRG-RSP  
POSTMASTER GENERAL OF THE )  
UNITED STATE, U.S. POSTAL )  
SERVICES, )  
Defendant. )

ORAL DEPOSITION OF KIMBERLY COX  
DECEMBER 1, 2016

ORAL DEPOSITION OF KIMBERLY COX, produced as a  
witness at the instance of the Defendant, and duly  
sworn, was taken in the above-styled and numbered cause  
on December 1, 2016, at 9:08 a.m. to 1:35 p.m., before  
Brenda Hightower Smith, Certified Shorthand Reporter in  
and for the State of Texas, reported by computerized  
stenotype machine at the U.S. Attorney's Office, 110  
North College, Suite 700, Tyler, Texas, pursuant to the  
Federal Rules of Civil Procedure and the provisions  
stated on the record or attached hereto.

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A P P E A R A N C E S

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ALSO PRESENT:  
TAMRA FISHER

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Ellipses are used only to show that an answer has  
trailed off and not been interrupted.  
Quotation marks are not meant to be interpreted as  
direct quotes.  
Uh-huh = yes, affirmative  
Huh-uh = no, negative

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P R O C E E D I N G S

THE COURT REPORTER: What agreements do  
you want to take this under?

MR. VISOSKY: Under the Federal Rules.

MS. FISHER: Yeah.

THE COURT REPORTER: What about  
signature?

MS. FISHER: Send it to me so she can  
sign it.

Do we need it in any hurried manner? Do  
you need it?

MR. VISOSKY: I mean, I think it's just  
the usual 30 days.

MS. FISHER: Okay. I just wanted to be  
sure in case there's some --

MR. VISOSKY: No, I don't care.  
I mean, I might attach it to a summary  
judgment or something.

MS. FISHER: That's what I was thinking.

MR. VISOSKY: But I don't know that I  
need --

MS. FISHER: I don't have a problem with  
you attaching it. If we have something we change, I'll  
address it --

MR. VISOSKY: Right.

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<p>1 MS. FISHER: -- and bring it to you. And</p> <p>2 if not, it is what it is so we can move forward.</p> <p>3</p> <p>4 KIMBERLY COX,</p> <p>5 having first been duly sworn, testified under oath as</p> <p>6 follows:</p> <p>7</p> <p>8 EXAMINATION</p> <p>9 BY MR. VISOSKY:</p> <p>10 Q. Good morning, Mrs. Cox.</p> <p>11 A. Good morning.</p> <p>12 Q. I introduced myself earlier. I'm Bradley</p> <p>13 Visosky from the U.S. Attorney's Office. I represent</p> <p>14 the Defendant, the Postmaster General, basically the</p> <p>15 Postal Service in the case. And I have with me Theresa</p> <p>16 Gegen, who is Postal Service counsel from -- from</p> <p>17 Dallas.</p> <p>18 Thanks for coming in.</p> <p>19 And this relates to the lawsuit that you</p> <p>20 brought in federal court against the Postal Service, the</p> <p>21 Marshall Division of the Eastern District of Texas.</p> <p>22 Could you just introduce yourself for the</p> <p>23 record, please.</p> <p>24 A. I'm Kimberly Cox.</p> <p>25 Q. Have you ever had your deposition taken</p>	<p>1 be able to give full and complete and truthful answers</p> <p>2 today?</p> <p>3 A. No, sir.</p> <p>4 Q. Just tell me briefly your education history.</p> <p>5 Where -- how far did you go in school?</p> <p>6 A. I -- some college. Did not complete it.</p> <p>7 Q. Go ahead -- where did you go to college?</p> <p>8 A. Kilgore College.</p> <p>9 Q. And how many years did you go?</p> <p>10 A. Just one.</p> <p>11 Q. One year?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So as far as degrees, you have a high</p> <p>14 school diploma?</p> <p>15 A. Yes.</p> <p>16 Q. Any other degrees?</p> <p>17 A. No.</p> <p>18 Q. Any specialized training?</p> <p>19 A. Specialized...?</p> <p>20 Q. Just training at all in any -- any vocational</p> <p>21 skills or office skills or anything like that.</p> <p>22 A. I've had numerous Postal Service training.</p> <p>23 Q. Okay. Sure.</p> <p>24 Where did you work before -- well, what year</p> <p>25 did you start working for the Postal Service?</p>
Page 6	Page 8
<p>1 before?</p> <p>2 A. I don't believe so.</p> <p>3 Q. Okay. Just a few things. I'll be asking you</p> <p>4 questions just to find out information about your</p> <p>5 lawsuit. Will you agree that you can just give clear</p> <p>6 answers, verbal answers, instead of nods and things like</p> <p>7 that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And the purpose of this really is just to find</p> <p>10 out everything that you know, the facts underlying your</p> <p>11 lawsuit. Will you agree to just give full and complete</p> <p>12 and truthful answers to my questions today?</p> <p>13 A. Yes.</p> <p>14 Q. And if you don't understand a question, feel</p> <p>15 free to stop me or ask me to rephrase it. Will you</p> <p>16 agree to do that if you don't understand the question?</p> <p>17 A. Yes.</p> <p>18 Q. If you do need a break at any time, totally</p> <p>19 flexible with that. Just tell your attorney or tell me,</p> <p>20 and we'll stop. It's just down the hall.</p> <p>21 Are you on any medication today that would</p> <p>22 affect your ability to give truthful and complete</p> <p>23 answers?</p> <p>24 A. No, sir. I -- I tell the truth.</p> <p>25 Q. Is there any reason at all why you would not</p>	<p>1 A. 1997.</p> <p>2 Q. And what did you start as, what was your</p> <p>3 position then?</p> <p>4 A. A letter carrier. A casual letter carrier.</p> <p>5 Q. What's that? What's the difference?</p> <p>6 A. Sub, basically.</p> <p>7 Q. Okay.</p> <p>8 A. Substitute.</p> <p>9 Q. Okay. Were you a -- I understand there's like</p> <p>10 a rural or a city carrier?</p> <p>11 A. City.</p> <p>12 Q. City at the time. Okay.</p> <p>13 What did you do before you started working at</p> <p>14 the Postal Service?</p> <p>15 A. The only occupation -- I think there was a</p> <p>16 couple years I didn't -- I didn't work; and then before</p> <p>17 that, I sold cars.</p> <p>18 Q. Okay. Okay. Any other types of jobs?</p> <p>19 A. In high school I had -- I worked for</p> <p>20 Walmart --</p> <p>21 Q. Okay.</p> <p>22 A. -- and the cable company, I think.</p> <p>23 Q. Sure.</p> <p>24 A. Yeah.</p> <p>25 Q. So how old were you when you started working</p>

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<p>1 for the Postal Service? I think you said '97.</p> <p>2 <b>A. I believe I was 24.</b></p> <p>3 Q. Okay. And just take me -- so you started as,</p> <p>4 what did you call it, a casual letter carrier. Just</p> <p>5 take me through your roles from when you started as a</p> <p>6 letter carrier to today.</p> <p>7 <b>A. I was a little -- a casual letter carrier.</b></p> <p>8 <b>Then a TE, which was called a transitional employee. In</b></p> <p>9 <b>August of '98 I become a career employee, which is a</b></p> <p>10 <b>PTF. In 2001 I was promoted to associate supervisor.</b></p> <p>11 <b>And then I believe it was 2012, a customer service</b></p> <p>12 <b>supervisor. And then in 2011, PTF letter carrier. And</b></p> <p>13 <b>then in 2014, I became a regular letter carrier.</b></p> <p>14 Q. What's the difference between a PTF and a</p> <p>15 regular --</p> <p>16 <b>A. Part-time flexible.</b></p> <p>17 Q. And so 2014, it was regular?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Because that's full time?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. One thing that you said confused me. You said</p> <p>22 2012 you were a customer service supervisor and then in</p> <p>23 2011 you were a part-time -- or PTF carrier.</p> <p>24 <b>A. Two thousand -- no, 2001 and then in -- I'm</b></p> <p>25 <b>sorry. 2002. I might have said "12." 2002.</b></p>	<p>1 <b>A. Kilgore Post Office.</b></p> <p>2 Q. And what was the reason for the move?</p> <p>3 <b>A. I applied for a different job just at a</b></p> <p>4 <b>different office, a smaller office.</b></p> <p>5 Q. What were the reasons, though, for wanting</p> <p>6 to -- wanting to move?</p> <p>7 <b>A. I just liked working in a smaller office.</b></p> <p>8 Q. Okay.</p> <p>9 <b>A. And it was closer to home.</b></p> <p>10 Q. Okay. So 2005, you moved to the Kilgore Post</p> <p>11 Office. That's the main post office, right?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. You were a customer service supervisor.</p> <p>14 Why in 2011 did you stop being a customer --</p> <p>15 customer service supervisor and become a PTF carrier?</p> <p>16 <b>A. I -- well, basically I wasn't a team player,</b></p> <p>17 <b>and so I was targeted. I -- there was, I think, a</b></p> <p>18 <b>\$6 discrepancy on my travel card, and so they started</b></p> <p>19 <b>looking. And I traveled a lot because I was on teams.</b></p> <p>20 <b>And I basically used my card on a day I didn't</b></p> <p>21 <b>travel. And at this point, I was ready to -- I had been</b></p> <p>22 <b>actually thinking about going back to craft anyway. I</b></p> <p>23 <b>was not happy.</b></p> <p>24 Q. You weren't happy as a customer service</p> <p>25 supervisor?</p>
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<p>1 Q. You became what?</p> <p>2 <b>A. Customer service.</b></p> <p>3 Q. Oh, 2002.</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. And then 2011, PTF carrier?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Okay. What was the reason for -- well, just</p> <p>8 describe what you did as a customer service supervisor.</p> <p>9 <b>A. I supervised basically every craft in the</b></p> <p>10 <b>postal -- in the post office: Clerks, carriers --</b></p> <p>11 Q. And all --</p> <p>12 <b>A. -- rural --</b></p> <p>13 Q. Oh, I'm sorry.</p> <p>14 <b>A. -- rural, city.</b></p> <p>15 Q. In all of these jobs that we've been talking</p> <p>16 about, what -- what post office was that in, or were</p> <p>17 there different ones?</p> <p>18 <b>A. There were different ones.</b></p> <p>19 <b>Q. When you became a customer service supervisor</b></p> <p>20 <b>in 2002, what post office was that?</b></p> <p>21 <b>A. Tyler.</b></p> <p>22 <b>Q. Okay. And how long did you stay at the Tyler</b></p> <p>23 <b>office?</b></p> <p>24 <b>A. Until 2005.</b></p> <p>25 <b>Q. Okay. And where did you go after that?</b></p>	<p>1 <b>A. No, I was not.</b></p> <p>2 Q. And why is that?</p> <p>3 <b>A. It's a stressful job.</b></p> <p>4 Q. So would you say that you enjoyed being a</p> <p>5 carrier more than a supervisor?</p> <p>6 <b>A. Absolutely.</b></p> <p>7 Q. Okay. You mentioned that you were not a team</p> <p>8 player. What do you mean by that?</p> <p>9 <b>A. It actually started in 2008 during an EEO</b></p> <p>10 <b>and -- for a clerk in the office. And the -- the post</b></p> <p>11 <b>office attorney came in and basically tried to tell me</b></p> <p>12 <b>what I was going to say when I testified. And I told</b></p> <p>13 <b>him, no, that I was not going to lie. And they lost the</b></p> <p>14 <b>EEO. And at that point, it really changed.</b></p> <p>15 Q. And when you say "they lost the EEO," you mean</p> <p>16 the Postal Service?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. And who was the Postal Service attorney that</p> <p>19 spoke with you?</p> <p>20 <b>A. I have no idea.</b></p> <p>21 Q. You just said it was an EEO? Is it an EEO</p> <p>22 filed by an employee --</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. -- on their supervision?</p> <p>25 <b>A. Yes.</b></p>

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1 Q. Do you remember the name of the --  
2 **A. Marilyn Crump.**  
3 Q. Is she still there?  
4 **A. Yes.**  
5 Q. And do you remember what the nature of the EEO  
6 allegation was?  
7 **A. Discrimination. I believe it was gender and**  
8 **race.**  
9 Q. Okay. And what's Ms. Crump's gender and race?  
10 **A. She is a black female.**  
11 Q. And how -- you said that the Postal Service  
12 attorney wanted you to lie; is that -- is that right?  
13 **A. Yes, sir.**  
14 Q. What did the attorney want you to say?  
15 **A. Basically that what the -- I guess what the**  
16 **Postmaster was saying happened happened.**  
17 Q. And you don't remember what -- I mean, what  
18 the issues were, what the Postmaster said had happened?  
19 **A. I know it had something to do with -- to do**  
20 **with her job and him wanting her to do some -- a duty**  
21 **that -- a window, be on the window. And he -- she --**  
22 **she did not want to be on the window.**  
23 **And I mean, I wasn't -- I wasn't directly**  
24 **involved. I wasn't named in the EEO because it was more**  
25 **of an issue between him and her. But as her supervisor,**

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1 **I was involved in some of the interaction.**  
2 Q. Okay. And who was the Postmaster at the time?  
3 **A. Chuck Maxwell.**  
4 Q. And did you get along with him?  
5 **A. Yes.**  
6 **Q. Okay. You mentioned when you moved from a**  
7 **supervisor position back to a PTF carrier position there**  
8 **was some issue with a card. Just can you explain what**  
9 **you mean by "card" and what exactly the issue was.**  
10 **A. My travel card, when I was promoted, we're all**  
11 **issued travel cards. And we didn't have any, like,**  
12 **training on any -- on when you could or couldn't use it.**  
13 **I was on what's called the NRP team. And so I**  
14 **had to travel back and forth to Dallas at least once a**  
15 **week. And sometimes I would get my gas the day before**  
16 **or the day after. And apparently the way the rules are**  
17 **written that I know now, is that you must have traveled**  
18 **that particular day to use that card. And so...**  
19 **Q. Okay. I understand that there was an OIG**  
20 **investigation into that -- into your use of the travel**  
21 **card; is that correct?**  
22 **A. Yes.**  
23 **Q. And do you know what the -- or what were the**  
24 **results of the OIG investigation?**  
25 **A. They just put that they found that I used it**

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1 **on days that I had -- that I did not have travel.**  
2 Q. Okay. And there was a --  
3 **A. As far as I know, that's what was said.**  
4 **Q. And I understand there was a settlement that**  
5 **was arrived at between you and the Postal Service out of**  
6 **the whole travel card --**  
7 **A. Yes.**  
8 **Q. -- incident?**  
9 **A. Yes. Because I went -- I went back to**  
10 **carrying mail. I offered to give up my position and go**  
11 **back to carrying mail.**  
12 **Q. And that was part of the settlement; that the**  
13 **dispute would be put behind you, but you would move from**  
14 **a supervisor position to a PTF position?**  
15 **A. Yes.**  
16 **Q. Okay. And that was in two thousand --**  
17 **A. '11.**  
18 Q. -- eleven?  
19 **A. Yes.**  
20 Q. Okay. So as a PTF carrier, was that a rural  
21 or city?  
22 **A. City.**  
23 Q. City.  
24 And was that -- so was that full time or  
25 part-time?

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1 **A. That's part-time.**  
2 Q. So how many hours a week would you work?  
3 **A. Oh, I would -- I actually -- there was never a**  
4 **week that I didn't have at least 40 hours.**  
5 Q. Oh, okay. So it says part-time, but it's --  
6 **A. Yes.**  
7 Q. -- in reality more of a full-time job?  
8 **A. Yes.**  
9 Q. And so how many days out of a week would you  
10 work --  
11 **A. Five.**  
12 Q. -- on average? Five.  
13 At the time in 2011, did you live I believe in  
14 the -- right now you live in Tyler; is that correct?  
15 **A. No. I live in Overton.**  
16 Q. Overton. Okay.  
17 And did you live in Overton at the time too?  
18 **A. Yes.**  
19 Q. Same house, same address?  
20 **A. Yes.**  
21 Q. And would you drive to work?  
22 **A. Yes.**  
23 Q. Would you say on average about five days a  
24 week?  
25 **A. Yes.**

<p style="text-align: right;">Page 17</p> <p>1 Q. And when you became -- or returned to a PTF</p> <p>2 city carrier position in 2011, who was your direct</p> <p>3 supervisor?</p> <p>4 <b>A. I -- I don't recall. They would -- they had</b></p> <p>5 <b>fill-in supervisors for a while. So I guess -- I</b></p> <p>6 <b>believe Pat Beets was there as the OIC, the officer in</b></p> <p>7 <b>charge when -- because the Postmaster job was not filled</b></p> <p>8 <b>at the time either.</b></p> <p>9 Q. Is the OIC above the Postmaster?</p> <p>10 <b>A. No. OIC is the acting Postmaster.</b></p> <p>11 Q. Oh, okay. Okay. But assuming both positions</p> <p>12 are filled, that you have a Postmaster filled and an</p> <p>13 OIC --</p> <p>14 <b>A. No, you can't do --</b></p> <p>15 Q. Oh, you don't --</p> <p>16 <b>A. You will not have both.</b></p> <p>17 Q. Oh, you don't have both?</p> <p>18 <b>A. No.</b></p> <p>19 Q. Okay. Does the Postmaster have any supervisor</p> <p>20 over him or her in the post office? I mean, not the</p> <p>21 post office generally. But in like the Kilgore Main</p> <p>22 Post Office, --</p> <p>23 <b>A. No.</b></p> <p>24 Q. -- does the Postmaster report to anybody?</p> <p>25 <b>A. No.</b></p>	<p style="text-align: right;">Page 19</p> <p>1 Q. Okay. How -- how frequently?</p> <p>2 <b>A. I believe since I've had the route that I have</b></p> <p>3 <b>now, which was in December of 2014, once. I believe</b></p> <p>4 <b>that is correct.</b></p> <p>5 Q. And do you remember who that supervisor was?</p> <p>6 <b>A. Angie Rojas.</b></p> <p>7 Q. And when other carriers are doing their</p> <p>8 routes, you wouldn't typically or you wouldn't ever,</p> <p>9 really, ride along with other carriers when they're</p> <p>10 doing their routes, right?</p> <p>11 <b>A. Myself?</b></p> <p>12 Q. Yeah.</p> <p>13 <b>A. Only if I was in a training capacity.</b></p> <p>14 Q. Okay. Do you do training?</p> <p>15 <b>A. I have.</b></p> <p>16 Q. Okay. Since 2011 have you done training?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Okay. Do you have access to other employees'</p> <p>19 employment records?</p> <p>20 <b>A. No.</b></p> <p>21 Q. When did you first meet Cynthia Freeman?</p> <p>22 <b>A. Casually, sometime during the time I was a</b></p> <p>23 <b>supervisor at the Kilgore Post Office.</b></p> <p>24 Q. And what do you mean "casually"? I mean, like</p> <p>25 how would that -- how would that encounter have</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. How many customers -- so before 2011 you --</p> <p>2 2002 to 2011, you were a customer service supervisor.</p> <p>3 How many other -- were there any other customer service</p> <p>4 supervisors during that time?</p> <p>5 <b>A. In Kilgore?</b></p> <p>6 Q. In the Kilgore office.</p> <p>7 <b>A. No.</b></p> <p>8 Q. So you were the only one?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. So then after you left that position in 2011,</p> <p>11 you're saying just people filled in for a time?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. And who was the first person that filled in</p> <p>14 that position full time?</p> <p>15 <b>A. I have no idea.</b></p> <p>16 Q. Okay. Would you say that you generally enjoy</p> <p>17 your job at the Postal Service?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Do you get along with your co-workers?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Do you get along with the managers?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. Do supervisors ever come with you on your</p> <p>24 routes?</p> <p>25 <b>A. They have, yes.</b></p>	<p style="text-align: right;">Page 20</p> <p>1 happened?</p> <p>2 <b>A. She had a position at the plant, at the</b></p> <p>3 <b>processing distribution center. And it was -- at the</b></p> <p>4 <b>time, it was outside of Tyler.</b></p> <p>5 Q. Okay.</p> <p>6 <b>A. And that position required her to visit post</b></p> <p>7 <b>offices. And she would check, I guess, the quality of</b></p> <p>8 <b>the mail. And I had encountered her a couple of times.</b></p> <p>9 Q. Okay. During those times, just those couple</p> <p>10 of times while you were still a supervisor, did you have</p> <p>11 any problems with Mrs. Freeman?</p> <p>12 <b>A. No.</b></p> <p>13 <b>Q. And I understand that you have allegations in</b></p> <p>14 <b>this case that at some point --</b></p> <p>15 <b>Well, let me ask you this: When did</b></p> <p>16 <b>Mrs. Freeman become -- I understand at some point she</b></p> <p>17 <b>became a customer service supervisor at the Kilgore Post</b></p> <p>18 <b>Office. Is that correct?</b></p> <p>19 <b>A. Yes.</b></p> <p>20 <b>Q. When did she take on that role?</b></p> <p>21 <b>A. October 2011.</b></p> <p>22 <b>Q. Okay. And was that a full-time position?</b></p> <p>23 <b>A. Yes.</b></p> <p>24 <b>Q. Okay. So would she have been the first full</b></p> <p>25 <b>time customer service supervisor at the Kilgore Post</b></p>



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1 Office since you were in that role?

2 **A. Yes.**

3 **Q. Okay. And when she started in that role, did**

4 **you get along with her?**

5 **A. I did -- I did not have a lot of interaction**

6 **with her, because the Postmaster runs the workroom**

7 **floor.**

8 **Q. And in October of 2011, who was the**

9 **Postmaster?**

10 **A. Joe McQuiston.**

11 **Q. And when did he become the Postmaster?**

12 **A. October 2011.**

13 **Q. So he came the same month that Mrs. Freeman**

14 **did?**

15 **A. The same exact time.**

16 **Q. Okay. Did you know Mr. McQuiston before that?**

17 **A. Yes.**

18 **Q. And how did you know him?**

19 **A. He had OIC'd at the Kilgore Post Office**

20 **before.**

21 **Q. Okay.**

22 **A. And also he was a station manager in Tyler --**

23 **Q. Okay.**

24 **A. -- when I worked will.**

25 **Q. Say from October 2011 when Mr. McQuiston**

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1 became the Postmaster, before that time, up until around

2 October 2011 time frame, did you have any problems or

3 issues with Mr. McQuiston?

4 **A. No.**

5 **Q. Would you say that he was a good manager?**

6 **A. He -- he knows his job.**

7 **Q. What about Mrs. Freeman, would you say that**

8 **she knew her job?**

9 **A. Not the customer service side. It -- you**

10 **know, at the beginning, of course, I mean, she was**

11 **learning.**

12 **Q. Okay. But did she -- in your mind, did she**

13 **ultimately perform that job satisfactorily?**

14 **A. I assume. I mean, that would be her boss's**

15 **judgment to make, --**

16 **Q. Okay.**

17 **A. -- not mine.**

18 **Q. And I understand at some point -- well, you**

19 **make allegations that Mrs. Freeman created a hostile**

20 **working environment. Can you just describe -- well,**

21 **first of all, when did that begin?**

22 **A. Around spring 2012.**

23 **Q. And what do you mean by "hostile"? What --**

24 **what exactly did she do that was hostile or wrong in**

25 **your opinion?**

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1 **A. She would -- I noticed -- I started noticing**

2 **that she would single out white females, question our**

3 **performance more. And with -- I'm not sure how to**

4 **say -- I guess just question their performance more than**

5 **anyone else's.**

6 **The -- the tone of the voice. The -- the**

7 **manner that she would speak to us. The -- the level of**

8 **her voice when she spoke to us. It -- we're a small**

9 **post office, so we can -- I could hear her talk to other**

10 **white females the way she talked to me.**

11 **And -- and that's when -- but normally she**

12 **would only on Saturday run the floor. And then I**

13 **started reporting it on Monday. But I would never say**

14 **anything directly to her. I tried to just (indicating)**

15 **keep it as pleasant as possible.**

16 **Q. When you say how she spoke to white females,**

17 **what -- what white females are you talking about?**

18 **A. I noticed it with Tina Jones, who was on the**

19 **route next to mine; Sandra Anderson, who is a carrier**

20 **there; the -- some of the white rural carriers. It --**

21 **and we -- you know, people would make comments about the**

22 **way they were talked to.**

23 **Q. When you say "people would make comments about**

24 **the way they were talked to," who -- who specifically?**

25 **A. I know Tina Jones did, I know Sandra Anderson**

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1 **did, I know Katrina Keith did, Cindy Reeves, Kelly**

2 **Watson, Mae Ward, Sheila Hooks, Rachel Knoble, Angie**

3 **Lopez. There's quite a bit.**

4 **Q. So all those people that you mentioned, were**

5 **you -- did you witness personally any interaction**

6 **between Mrs. Freeman and those witnesses?**

7 **A. Some of them, yes.**

8 **Q. Which ones?**

9 **A. Tina Jones, Sandra Anderson, Cindy Reeves,**

10 **Kelly Watson, Sheila Hooks. I believe there could have**

11 **been -- I believe there was one with Katrina Keith.**

12 **There were, you know, quite a few different ones.**

13 **Q. Let's just say for Tina Jones, for example,**

14 **what did Mrs. Freeman say to Tina Jones that you -- I**

15 **mean, what was wrong with how -- in your mind with how**

16 **Cynthia Freeman interacted or spoke to Tina Jones?**

17 **A. She would -- I'm trying to remember if I --**

18 **the exact instance. Mainly it was when she would ask**

19 **about, say, a carrier taking a little more time than**

20 **they were authorized or whatever.**

21 **Which is fine. There's absolutely nothing**

22 **wrong with us being questioned.**

23 **Just the tone she would use that the -- she a**

24 **lot of times would scream at people when they were**

25 **walking across the workroom floor. It's just a -- it's**

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1 just a hostile type of voice that she used. And a lot  
2 of -- most of the time it was loud enough for us all to  
3 hear it, and so it's hard not to hear other.  
4 Q. Did you ever see Mrs. Freeman raise her voice  
5 to any of the male employees?  
6 A. I don't believe so.  
7 Q. What about any of the female non-white  
8 employees?  
9 A. I don't believe so.  
10 Q. Okay. But apart from the tone of voice, did  
11 you ever hear Mrs. Freeman make any racially charged  
12 comments to any of the white employees?  
13 A. I don't -- not that I can recall at the  
14 moment.  
15 Q. So the -- the comments or the -- the tone of  
16 voice and statements that you identified that  
17 Mrs. Freeman made to the white female employees, did  
18 those comments relate to anything other than issues  
19 dealing with the work that they were doing for the  
20 Postal Service?  
21 A. There would be -- I'm not -- I'm trying to  
22 think of the -- there would be most of it would have to  
23 do with post office, you know, performance and stuff I  
24 guess. But it was -- I'm not recalling a specific  
25 instance at the moment. But...

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1 Q. And so during this time you were a PTF city  
2 carrier, --  
3 A. Yes.  
4 Q. -- correct?  
5 And how -- you would work on average about  
6 eight hours a day?  
7 A. Yes.  
8 Q. Of those eight hours, how many hours would you  
9 be -- or how much time would you spend in the -- in the  
10 physical post office itself?  
11 A. Usually an hour to an hour and a half in the  
12 morning.  
13 Q. Okay.  
14 A. And then a very few minutes in the afternoon.  
15 Q. Okay. And the rest of the time, you would be  
16 on your route?  
17 A. Yes.  
18 Q. And for the most part, you would be on the  
19 route by yourself, correct?  
20 A. Yes.  
21 Q. And I think you said that the -- the comments  
22 that you identified that Mrs. Freeman made about the  
23 tone of voice and whatnot started around spring 2012; is  
24 that correct?  
25 A. I believe so.

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1 Q. Okay. Do you recall specifically any comments  
2 that she made to you around that time frame that you  
3 found objectionable?  
4 A. Yes.  
5 Q. And what were those?  
6 A. There was one that particularly that sticks  
7 out. Was -- I had a -- as a PTF, as any sub city  
8 carrier, you can have a -- what's called a "mini bid" on  
9 a route. So if a regular route is vacant for a period  
10 of time, then you put a mini bid in on it and then you  
11 are treated as the regular on that route.  
12 And as so, the postal management under our  
13 contract is not allowed to take -- is not allowed to  
14 take any of that route away from you to give you  
15 somebody else's route. They can take your overtime  
16 away, but -- but they could not take it away from --  
17 take it away from this route and give me another route.  
18 Well, Overton, which is about 12 miles away,  
19 their post office was moved -- their carriers were moved  
20 into the Kilgore Post Office. So on average, two city  
21 carriers have to go to Kilgore every day to carry mail.  
22 So they have to travel to Kilgore and back.  
23 And on this particular day our cases are lined  
24 up on the workroom floor. And behind them are the racks  
25 that have our DPS, which is the letter mail that comes

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1 in order in trays.  
2 And I had walked around and was back here  
3 behind the cases with my DPS. And Gary Ryan, who is a  
4 fellow carrier, came up and he said, which part of your  
5 route are you giving off? And I said, what are you  
6 talking about? And he said, well, Cynthia said she's  
7 going to take some off of your route so that you can go  
8 to Overton. And I said, oh, okay.  
9 And I -- because I would never -- never  
10 confront her because of the -- the way she spoke to me,  
11 I just made a comment to him, I said, okay, well, I'll  
12 just -- I'll talk to Joe and make sure he understands  
13 that she's violating the contract and go on with it.  
14 Wasn't even planning on filing a grievance, which I  
15 could have.  
16 And -- and so he -- he's like, okay. And that  
17 was the end of our conversation.  
18 Well, I came back around the case. And  
19 unbeknownst to myself, Jeff McCann, who is a carrier,  
20 had gone to Cynthia and explained to her that she was  
21 violating the contract and that I could file a grievance  
22 because she was taking off of this route that I had a  
23 mini bid on to -- to get me to go to Overton.  
24 And so I come around the case and I'm standing  
25 in the middle of the workroom floor. And I just said,



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1 what part of my route do I need to pull off? And she  
2 started screaming at the top of her voice to me,  
3 you're -- I'm not taking anything off. You're not --  
4 you're not filing a grievance on me. You're not filing  
5 a grievance on me.  
6 She's screaming. The whole entire post  
7 office -- because we're in like a -- probably a  
8 rectangle. And the -- so the rural carriers were over  
9 here and the city carriers are over here (indicating).  
10 Everything just stopped. And everybody was just like  
11 (indicating). And I was just like, okay. And I just  
12 went back to work.  
13 And then Jeff McCann came to me and he's like,  
14 I am so sorry. He's like, I was just trying to let her  
15 know that she is violating the contract. And I did not  
16 know that was going to -- that was going to happen. I'm  
17 so sorry.  
18 And I was like, you know, it's fine. And you  
19 know -- and that was just one that really stuck out.  
20 But, you know, I wasn't surprised at that point.  
21 Q. You might not know exactly, but do you  
22 remember approximately when that -- when that whole  
23 incident happened?  
24 A. I'm -- I would think it was -- it was in the  
25 summer. I believe it was a weekday because -- and I

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1 guess -- I don't know if Joe was on vacation and that's  
2 why she was running the workroom floor. I -- I don't  
3 remember the exact date, no.  
4 Q. So who -- who would ordinarily run the  
5 workroom floor?  
6 A. Joe McQuiston.  
7 Q. So how much interaction would you have on a  
8 daily basis generally with Mrs. Freeman?  
9 A. Not very much on a daily basis.  
10 Q. And by "not very much" -- you said you were in  
11 the office maybe, what, an hour and a half?  
12 A. She's not there --  
13 Q. An hour, hour and a half?  
14 A. -- during that time.  
15 Q. She wouldn't be there?  
16 A. No. Only on Saturday when he's off.  
17 Q. Okay.  
18 A. Which is his day off.  
19 Q. Okay. So she would only be there one day of  
20 the week -- of the -- of your work week essentially?  
21 A. On average, yes.  
22 Q. On average. Okay.  
23 And on that one day, you would only be in the  
24 post office for how long?  
25 A. An hour to an hour and a half --

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1 Q. And of that hour --  
2 A. -- typically.  
3 Q. Say on the Saturdays of that hour, hour and a  
4 half, how much time would you spend interacting with  
5 Mrs. Freeman?  
6 A. Only if I had a question or if she came to me  
7 with a question or to tell me what my leaving time is.  
8 Q. Okay. This incident where you said that  
9 Mrs. Freeman raised her voice, you said that there were  
10 other employees around. Who -- who specifically  
11 witnessed that incident?  
12 A. I know Jeff McCann did and Gary Ryan. They  
13 were involved. Really, every carrier on the floor, I'm  
14 sure.  
15 Q. Okay.  
16 A. I couldn't tell you the exact who was there  
17 that day.  
18 Q. Okay. But other than Jeff McCann, Gary --  
19 Gary who?  
20 A. Ryan.  
21 Q. -- Ryan, just right now to your recollection,  
22 you can't think of any specific people that would have  
23 witnessed that?  
24 A. I believe Sandra Anderson was there and I  
25 believe Efron Fryer was there. I believe Tina Jones was

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1 there. The rural carriers, I'm not sure who was --  
2 Q. Okay.  
3 A. -- or the clerks.  
4 Q. And you said summer 2012. Do you -- would  
5 this have been early summer, late summer?  
6 A. I have no --  
7 Q. You don't --  
8 A. -- idea.  
9 Q. -- you don't remember.  
10 And you said that in your mind the -- the -- I  
11 guess we'll just call it like the "route dispute."  
12 A. Uh-huh.  
13 Q. Is that -- is that fair, just for shorthand?  
14 A. I guess.  
15 Q. That that -- what -- well, let me put it this  
16 way. In your mind, what Mrs. Freeman was doing was in  
17 violation of a contract you said?  
18 A. We have a contract --  
19 Q. A contract --  
20 A. -- with the union.  
21 Q. -- between who?  
22 A. Union and the NALC.  
23 Q. Okay.  
24 A. Which is the letter carrier union and the  
25 Postal Service.

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1 Q. So you thought Mrs. Freeman had violated the  
2 union Postal Service contract. Did you -- what action  
3 did you take to dispute that or try to fix it?

4 **A. Any time anything happened that I knew that**  
5 **she was, you know, violating the contract, I would wait**  
6 **until Joe McQuiston came back to work and I would just**  
7 **say, hey, you might want to let her know that this is --**  
8 **you know, this is -- you know, that this is violating**  
9 **the contract or whatever.**

10 **Because I went out of my way not to, I guess,**  
11 **try to aggravate her because, you know...**

12 Q. Okay. Tell me specifically, you know, for  
13 example, for this -- this route dispute that you thought  
14 was in violation of a contract. You go to Joe  
15 McQuiston. What did you, to your recollection, tell  
16 him?

17 **A. I told him about what -- you know, what she**  
18 **was -- you know, that she was planning on taking off the**  
19 **route. Which she did not. After Jeff McCann told her**  
20 **that she was violating the contract, she did not take it**  
21 **off of my route. She did not take any off of my route.**  
22 **I guess she just found someone else, I'm not sure.**

23 **But I told him about what happened about me**  
24 **telling Gary Ryan that I was going to, you know, just**  
25 **tell him. You know, just let him know, hey, you know,**

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1 **just might -- because it could cause -- if someone**  
2 **pushed the issue, they could file a grievance.**

3 **But I was not planning to file a grievance. I**  
4 **was going to do as I was told by my supervisor.**

5 Q. Apart from what you just said, can you think  
6 of anything else that --  
7 (Watch beeping.)

8 **A. I'm sorry. I don't know how to do this. I'm**  
9 **trying to -- this is new, and I don't know how to turn**  
10 **this off.**

11 (Discussion off the record.)

12 Q. (By Mr. Visosky) Okay, Mrs. Cox, apart from  
13 what you just told me that you told Mr. McQuiston, can  
14 you think of anything else that you told Mr. McQuiston  
15 about that incident?

16 **A. About that particular incident?**

17 Q. Uh-huh.

18 **A. I don't believe so. I just -- I told him, you**  
19 **know, what she had planned to do and that, you know,**  
20 **hey, just make sure maybe --**

21 (Watch beeping.)

22 **A. I'm so sorry.**  
23 **-- that --**

24 **Well, I thought I had it. I tried to put it**  
25 **on airplane mode. You think if I just turned off my**

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1 **phone?**

2 MS. FISHER: Just take a minute if you  
3 don't mind.

4 MR. VISOSKY: Yeah.  
5 (Discussion off the record.)

6 **A. But I told him, you know, about that she, you**  
7 **know, just -- you might just make sure she knows. And**  
8 **then I told him about her screaming at me and what she**  
9 **said. And that was it.**

10 Q. (By Mr. Visosky) What was Mr. McQuiston's  
11 response, what did he do?

12 **A. He -- he would either say, she's all right.**  
13 **Because I've -- there was repeated times that I reported**  
14 **different things to him. So he would either say, I'll**  
15 **talk to her; okay, I'll talk to her. Or, she's all**  
16 **right.**

17 Q. And were you satisfied with that answer?

18 **A. Yes. I mean, that's really all I wanted was**  
19 **for him to take care of the issue.**

20 Q. And did he take -- I mean, did he take care of  
21 it?

22 **A. It continued, so I guess not. I...**

23 Q. So -- so Mrs. Freeman took some action with  
24 relation to your route that you thought was violating  
25 the union contract. Did you ever file a grievance

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1 because of this?

2 **A. She didn't actually do it.**

3 Q. Oh, she didn't do it?

4 **A. After she screamed at me, she -- that's what**  
5 **she screamed at me, that I'm not taking any off your**  
6 **route. I'm not -- you're not filing a grievance on me.**  
7 **But she's screaming this.**

8 Q. Okay. But that --

9 **A. And --**

10 Q. Sorry.

11 **A. On the workroom floor.**

12 Q. But that was the result that you wanted  
13 ultimately, right? I mean, not the screaming part, but  
14 just the --

15 **A. For her not to take off the route?**

16 Q. Right.

17 **A. That was the correct -- that was the correct**  
18 **route for her to take.**

19 Q. Okay.

20 **A. Because it is a violation of the union**  
21 **contract.**

22 **Q. So apart from this -- this route incident**  
23 **we've been talking about, did you have any other**  
24 **interactions with Mrs. Freeman where you thought that**  
25 **what she did was inappropriate or hostile towards you?**

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1 **A. Definitely. Numerous times she would say**  
2 **things like -- she would come and ask me something about**  
3 **my time or -- or something. And I -- and I would**  
4 **always -- you know, I do the best I can.**  
5 **And there -- on more than one occasion she**  
6 **would say things like: Well, your best ain't good**  
7 **enough; or, you know, that's not good enough; you**  
8 **have -- you have to do better. That type of thing.**  
9 Q. Like how many times would you say that that --  
10 that things like that happened?  
11 **A. Pretty much became a regular occurrence,**  
12 **especially for the last two months, which would be, I**  
13 **guess, July and August, some in June probably, of 2012.**  
14 Q. And when you say "regular occurrence," like  
15 how -- well, I guess Mrs. Freeman was only there where  
16 you were with her at the same time -- or you were both  
17 even working the same day at the post office in Kilgore  
18 on Saturdays, right?  
19 **A. Yes.**  
20 Q. So in July and August, how many of those  
21 Saturdays would Mrs. Freeman say or do something you  
22 thought was inappropriate or hostile to you?  
23 **A. Pretty much every Saturday I was there.**  
24 Q. Okay. And apart from what you said earlier  
25 about the "your best isn't good enough" and -- and

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1 things of that nature, anything specifically you  
2 remember Mrs. Freeman saying that you thought was  
3 inappropriate?  
4 **A. It was usually -- the only type of interaction**  
5 **I would have with her would be to do something with my**  
6 **work. And those were usually the -- the basic comments**  
7 **she would make. I don't recall --**  
8 Q. Okay. That's fine?  
9 **A. -- at the time the exact things she said.**  
10 Q. And during this time frame, July and August  
11 when Mrs. Freeman on the Saturdays would -- would say  
12 something you felt was inappropriate, did you ever talk  
13 with Mr. McQuiston about it?  
14 **A. Yes. Every Monday before -- the after. Or if**  
15 **I wasn't there or he wasn't there on Monday, the Tuesday**  
16 **after every single occurrence, I would report it to him.**  
17 Q. And what did -- what would you tell him?  
18 **A. I would tell him exactly what was said and the**  
19 **manner it was said. It started with pretty much all the**  
20 **white females. But by this point, it became more me.**  
21 **And so I -- I didn't -- at the time I didn't know really**  
22 **what to think. You know, why -- why am I being singled?**  
23 Q. How many other -- I mean on average, how many  
24 other carriers would be in the -- working on a Saturday  
25 at the Kilgore Post Office?

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1 **A. There are twelve rural routes, so twelve**  
2 **carriers there. And there are seven full city routes**  
3 **and two auxiliary routes. So anywhere from seven to**  
4 **nine average city carriers.**  
5 Q. Did you ever tell Mr. McQuiston that you  
6 thought that Mrs. Freeman was -- spoke to you in an  
7 inappropriate way to your mind because of your race or  
8 gender?  
9 **A. Yes.**  
10 Q. And -- and what specifically were you upset  
11 about that?  
12 **A. I started when this all began saying she is**  
13 **singling out the white females. And then it became more**  
14 **she's singling out me.**  
15 Q. And what was Mr. McQuiston's response when you  
16 would tell him that?  
17 **A. He would always say either, oh, she's all**  
18 **right, or I'll talk to her.**  
19 Q. Okay. And can you -- can you narrow it  
20 down. And if you can't, that's fine. But you mentioned  
21 July, August 2012, a specific time frame that you would  
22 have spoken to Mr. McQuiston about Mrs. Freeman's  
23 conduct?  
24 **A. Narrow -- narrow --**  
25 **Q. Well, I mean, just July, August is what you**

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1 **said of the 2012 time frame. Are there specific dates**  
2 **or -- or ranges within that time frame where you have --**  
3 **would have spoken with Mr. McQuiston?**  
4 **A. I believe the July, August is the time frame**  
5 **that I was being singled out. The report of white**  
6 **females actually started before that, probably in the**  
7 **spring. That's why I said spring and summer of 2012.**  
8 Q. Okay.  
9 **A. And so by July, August, I'm being singled out.**  
10 Q. So you're saying starting in spring 2012,  
11 somewhere around that -- that time frame, you would have  
12 told Mr. McQuiston or made some kind of complaint to him  
13 about Cynthia Freeman's treatment of white females?  
14 **A. Yes.**  
15 Q. Okay. And did Mr. McQuiston ever respond or  
16 take any action that you thought, you know, was  
17 satisfactory in response to your complaints?  
18 **A. I have no idea what he did.**  
19 **Q. Okay. Did you ever file any EEO complaints**  
20 **arising out of those -- the complaints that you had**  
21 **about Mrs. Freeman during that time?**  
22 **A. No.**  
23 Q. Why not?  
24 **A. I guess I just figured that he would deal with**  
25 **it eventually. I -- I don't know. I -- I didn't really**

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1 know a whole lot about the EEO process at that time.  
2 I figured he was dealing with it and, you  
3 know, if I reported enough, then it will stop. Because  
4 I continued to report.  
5 Q. Did you think that, you know, you were still  
6 able to do your job as a carrier, notwithstanding  
7 whatever Mrs. Freeman was doing, and that you would just  
8 deal with whatever?  
9 A. Yes, I did my job.  
10 Q. Did your job performance suffer in any way  
11 during that time period?  
12 A. I don't believe so.  
13 Q. Did you receive any discipline during that  
14 time period?  
15 A. No.  
16 Q. Okay.  
17 Okay. So you had an accident in -- I believe  
18 it was August 21st, --  
19 A. Yes.  
20 Q. -- 2012.  
21 Just explain briefly how that -- how that  
22 happened.  
23 A. I was -- had pulled my mail truck up and  
24 parked it where it was at -- there's -- it's kind of an  
25 odd curb. The curb -- it's a regular curb, and then

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1 there's an elevated piece of concrete that angles down  
2 and merges with the lower concrete.  
3 And I had -- I was going to have to go inside  
4 of a business where the vehicle was going to be  
5 completely out of view. And there were people present.  
6 So I rolled up my window and stepped out of  
7 the vehicle, and turned and locked the vehicle. And  
8 when I turned, I was by right where they merge. And my  
9 foot got caught on that little lip there, and I fell.  
10 Q. Okay. And I guess Postal Service policy, did  
11 you call someone, a supervisor or someone?  
12 A. Yes.  
13 Q. Who did you call?  
14 A. I believe I talked -- I'm not sure if Joe was  
15 there that day. I know Cynthia was the one that came  
16 after. It was about 30, 30 to 40 minutes I sat there  
17 and waited for her.  
18 Q. And so was this a Saturday or...?  
19 A. The 21st? No, it was not a Saturday.  
20 I believe maybe Joe was working that morning.  
21 But I'm not sure who I talked to when I called the post  
22 office, but she was sent --  
23 Q. Okay.  
24 A. -- to take me.  
25 Q. And once she got there, I mean, what did she

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1 say and do and...?  
2 A. She just took me to the hospital.  
3 Q. Okay. Was she -- was she nice to you during  
4 this time?  
5 A. She didn't really speak.  
6 Q. Didn't say anything?  
7 A. Not -- no.  
8 Q. Nothing.  
9 Did she ask you how you were or anything like  
10 that?  
11 A. No.  
12 Q. No? Okay.  
13 But she drove you to the hospital?  
14 A. Yes.  
15 Q. Okay. And did she wait with you in the  
16 hospital?  
17 A. Yes.  
18 Q. Was it the emergency room or --  
19 A. Yes.  
20 Q. And who did you see there?  
21 A. It was Good Shepherd Medical Center. I'm not  
22 sure --  
23 Q. Okay.  
24 A. -- of the physician.  
25 Q. And how long were you at the doctor's office?

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1 A. I have no idea.  
2 Q. Okay. And was Mrs. Freeman there the whole  
3 time?  
4 A. Yes.  
5 Q. And did she drive you back?  
6 A. Yes.  
7 Q. Okay. And did you continue -- you obviously  
8 didn't continue working that day, right? You went home  
9 or...?  
10 A. I was told to fill out some paperwork.  
11 Q. Okay.  
12 A. And I believe by the time that -- it was close  
13 to the end of the regular workday for myself anyway.  
14 I'm not sure of the exact time.  
15 (Exhibit 1 marked.)  
16 Q. (By Mr. Visosky) All right. Mrs. Cox, I'm  
17 handing you what's been marked as Exhibit 1 to your  
18 deposition.  
19 And I believe the first part -- I mean, just  
20 looking in it, it's a -- it's a report of accident from  
21 your August 21st accident. But I want you to turn, if  
22 you look at the bottom of these pages, there's a USPS  
23 number. It's number 2853?  
24 MS. FISHER: 2853?  
25 MR. VISOSKY: Yeah.

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1 MS. FISHER: Okay.

2 Q. (By Mr. Visosky) This is your CA-1 form,

3 correct?

4 A. Yes.

5 Q. And can you describe generally what is a CA-1

6 form?

7 A. That's just the form that -- that you have to

8 fill out when you have an accident.

9 Q. Okay. Is that your signature?

10 A. Yes.

11 Q. And does this appear to be a true and correct

12 copy of your CA-1 form?

13 A. I believe so.

14 Q. Okay. And let's see. You dated this

15 August 21st, 2012, the date of your accident, correct?

16 A. Yes.

17 Q. And so what happened is, you have the accident

18 on August 21st, you submit the CA-1 form. Did you -- do

19 you take any leave time after that? Or just kind of

20 tell me how you -- how the accident affected your --

21 your work.

22 A. I believe they -- I believe they made me take

23 three days of sick leave, if I remember correctly.

24 That's -- as far as I remember, that's what happened.

25 Q. And when you say they made you take sick

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1 leave, I mean, who are you talking about?

2 A. That's what Joe said --

3 Q. Okay.

4 A. -- when...

5 Q. And that was paid sick leave?

6 A. I have -- I have sick leave, yes.

7 Q. And you're paid on those --

8 A. Yes.

9 Q. -- when you use sick leave? Okay.

10 So you were on sick leave three days. Then

11 what happened after that?

12 A. I was on limited duty. And so they had me sit

13 in a room for eight hours.

14 Q. And what room was that?

15 A. There's a room at the front of the post

16 office. They use it for the passport office -- passport

17 office now.

18 Q. Okay. And what was it at the time, was it the

19 passport office at the time?

20 A. I don't think so.

21 Q. Okay. And are there phones and stuff in

22 there?

23 A. There is.

24 Q. And what was your duties in the room?

25 A. I was told I was not allowed to answer the

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1 phone.

2 Q. And why is that?

3 A. The NRP process.

4 Q. And what's NRP?

5 A. It's basically where they were -- they sent

6 permanent limited duty people home, I guess. Where --

7 whereas, the post office was being required to find work

8 for them, they stopped. And so they would send them

9 home, and OWCP was paying them.

10 Q. Oh, okay. So there were people that under

11 some kind of rule or regulation had to answer the phones

12 because that was the only function that they could

13 perform under whatever you're talking about, NRP?

14 A. But before this point.

15 Q. Okay.

16 A. But by this point, I believe they were already

17 all sent home.

18 Q. So there was no one there at the time?

19 A. The office people; the clerks and --

20 Q. Okay. So what --

21 A. -- the supervisors.

22 Q. Okay. So?

23 A. -- or supervisor and Postmaster.

24 Q. So why couldn't you answer the phones?

25 A. I was told that it was a -- not a function

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1 that a limited duty person was allowed to do.

2 Q. Allowed to do under some kind of policy or

3 procedure?

4 A. I guess.

5 Q. Okay. And you couldn't drive your route

6 during this time, right?

7 A. Yes. Correct, I could not.

8 Q. Okay. And so what would -- so you're in the

9 passport room. Did you have any -- I mean, any

10 responsibilities or duties during that time?

11 A. No.

12 Q. But you were paid during that time?

13 A. Yes.

14 Q. And paid the same as if you had been --

15 A. Yes.

16 Q. -- carrying your route?

17 Did you have any complaints about the actions

18 that they -- that the Postal Service took to accommodate

19 your work restrictions of putting you in the passport

20 room?

21 A. I didn't complain to anyone. I didn't say

22 anything.

23 Q. Okay. But I mean, in this lawsuit, do you

24 have any complaints? Are you alleging that there was

25 anything wrongful in that that the Postal Service did?



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<p>1 <b>A. No. I figured they were doing what they were</b></p> <p>2 <b>told to do.</b></p> <p>3 Q. And so how long -- how many days did you do</p> <p>4 your job, you know, in that room when you couldn't carry</p> <p>5 your route?</p> <p>6 <b>A. I believe there was only four, maybe five</b></p> <p>7 <b>total days.</b></p> <p>8 Q. Okay.</p> <p>9 <b>A. It wasn't -- it wasn't a lot.</b></p> <p>10 <b>(Exhibit 2 marked.)</b></p> <p>11 Q. (By Mr. Visosky) I'm handing you what's marked</p> <p>12 as Exhibit 2.</p> <p>13 MS. FISHER: Thank you, sir.</p> <p>14 Q. (By Mr. Visosky) And once you've had a minute</p> <p>15 to look that over, can you just describe for the record</p> <p>16 what this is.</p> <p>17 <b>A. This is the form where the post office on the</b></p> <p>18 <b>left side says that these are my work duties, these</b></p> <p>19 <b>are -- the times you see there are roughly how many</b></p> <p>20 <b>hours a day that I do each of the different A through L.</b></p> <p>21 <b>And then on the right side is what the</b></p> <p>22 <b>physician says that I can do these this many hours</b></p> <p>23 <b>for -- in a day at work.</b></p> <p>24 Q. Okay. And I think just within the government,</p> <p>25 this is called a CA-17 form. Does that sound familiar</p>	<p>1 August 30th, 2012, you were still on your medical</p> <p>2 restrictions, correct?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. And just explain who was holding the sale,</p> <p>5 what -- I mean, was it a neighborhood? Just kind of</p> <p>6 explain what it was and why you wanted to go.</p> <p>7 <b>A. Ronnie Sartors, it's his parents -- in-laws,</b></p> <p>8 <b>and they had both passed away. And the estate sale</b></p> <p>9 <b>was -- it was outside of Overton.</b></p> <p>10 <b>I had -- you know, my oldest daughter was</b></p> <p>11 <b>getting ready to move out. And, you know, I figured</b></p> <p>12 <b>there would be stuff that she -- spatulas and stuff like</b></p> <p>13 <b>that that I had but she did not that she could use. And</b></p> <p>14 <b>so I went to look.</b></p> <p>15 Q. And did you go with anyone else?</p> <p>16 <b>A. No.</b></p> <p>17 Q. And how did you get there?</p> <p>18 <b>A. Drove.</b></p> <p>19 Q. And what kind of car do you have?</p> <p>20 <b>A. I had a Lincoln Navigator at the time.</b></p> <p>21 Q. You mentioned Ronnie Sartors. I believe he</p> <p>22 was a former Postal Service employee. Did you know him</p> <p>23 personally?</p> <p>24 <b>A. He's from Overton, yes.</b></p> <p>25 Q. Okay.</p>
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<p>1 to you?</p> <p>2 <b>A. That's the form number that's at the bottom,</b></p> <p>3 <b>yes.</b></p> <p>4 Q. And does this appear to be a true and correct</p> <p>5 copy of the CA-17 form listing your work restrictions</p> <p>6 after the August 21st, 2012 accident?</p> <p>7 <b>A. I believe so.</b></p> <p>8 MR. VISOSKY: Are y'all doing okay? I'm</p> <p>9 with to shift gears.</p> <p>10 MS. FISHER: I was going to tell you when</p> <p>11 you got to a breaking point --</p> <p>12 MR. VISOSKY: Yeah.</p> <p>13 MS. FISHER: -- maybe a quick break --</p> <p>14 MR. VISOSKY: Off the record.</p> <p>15 (5-minute break taken.)</p> <p>16 MR. VISOSKY: Are y'all ready.</p> <p>17 MS. FISHER: Yes, sir.</p> <p>18 Q. (By Mr. Visosky) Okay. Mrs. Cox, we're back</p> <p>19 on the record. Just want to talk about, you know, the</p> <p>20 estate sale thing.</p> <p>21 So you have your accident on August 21st,</p> <p>22 2012. You're put on medical restrictions that are</p> <p>23 reflected in Exhibit 2, correct?</p> <p>24 <b>A. Uh-huh.</b></p> <p>25 Q. And so at the time of the estate sale on</p>	<p>1 <b>A. And worked at the Overton Post Office.</b></p> <p>2 Q. Was he a friend of yours?</p> <p>3 <b>A. Acquaintance. I really didn't -- I don't hang</b></p> <p>4 <b>out with him.</b></p> <p>5 Q. Okay.</p> <p>6 <b>A. He was a retired postal supervisor.</b></p> <p>7 Q. And so other than Mr. Sartors, was there</p> <p>8 anyone else at the estate sale that you knew?</p> <p>9 <b>A. I knew Debbie Isaacs, she was a -- or is a</b></p> <p>10 <b>rural carrier at the Kilgore Post Office. She's</b></p> <p>11 <b>actually an Overton carrier that's now at Kilgore.</b></p> <p>12 <b>And I knew Nancy Spencer. She was the</b></p> <p>13 <b>mother -- or is the mother of a -- of a girl that I know</b></p> <p>14 <b>that worked at the New London Post Office.</b></p> <p>15 <b>And I kind of in passing knew Glenda. I think</b></p> <p>16 <b>her last name was Baker. She lives just a couple of</b></p> <p>17 <b>houses down from me. And her husband is a retired clerk</b></p> <p>18 <b>from the Henderson Post Office and worked with Joe when</b></p> <p>19 <b>he was a carrier there.</b></p> <p>20 Q. That reminds me of something. Who -- who</p> <p>21 would you say, are you friends, personal friends with</p> <p>22 anyone you work with at the Kilgore Post Office?</p> <p>23 <b>A. There's a few.</b></p> <p>24 Q. Who would you say that you're -- you're</p> <p>25 closest with at that -- at that office, just some of --</p>



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1 **Branch 132 NALC. And now I believe he's the vice**  
2 **president.**  
3 Q. When did you -- okay.  
4 From the time of the August 31st meeting with  
5 OIG, when did you resume your letter carrier duties, do  
6 you remember?  
7 **A. April 19th, 2013.**  
8 Q. Okay. So -- so between that meeting and  
9 your -- when you received the notice of removal -- I  
10 think the notice of removal was effective November 15th,  
11 2012; is that -- is that right?  
12 **A. To the best of my knowledge.**  
13 Q. Okay.  
14 **A. I couldn't tell you the exact day.**  
15 Q. So from the time of your accident on  
16 August 21st until the time you returned in April of  
17 2013, you never went back to your -- doing your city  
18 carrier route, right?  
19 **A. No.**  
20 Q. Okay. Do you remember when you -- when you  
21 were informed that -- that your -- that you were being  
22 terminated essentially?  
23 **A. I received the letter of removal in the mail.**  
24 Q. Oh, in the -- okay. In the mail?  
25 **A. Yes.**

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1 Q. Okay. And then after getting that, I guess at  
2 some point you filed a grievance related to the removal?  
3 **A. The -- there were -- was a grievance filed.**  
4 **Because when he put me off the clock, he put me off the**  
5 **clock on what's called a 16-7. It's a emergency**  
6 **placement, I believe is what it's called. Something**  
7 **like that.**  
8 **And so there was -- there was a grievance**  
9 **filed on that. And then once the letter of removal was**  
10 **issued, we filed a grievance on that.**  
11 Q. Okay. During the grievance process -- and  
12 during that you had representation from the union,  
13 correct?  
14 **A. Yes.**  
15 Q. Did you ever during the grievance process  
16 contend or argue that the reason that you got the notice  
17 of removal or received any form of discipline related to  
18 the allegation that you violated your work restrictions,  
19 during that grievance process, did you ever contend or  
20 allege that the reason these actions were being taken  
21 against you was because of any form of retaliation for  
22 engaging in protected activity?  
23 **A. I couldn't tell you exact. I'm sure I**  
24 **probably did with my union representation, but they will**  
25 **only deal with a contractual issue.**

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1 Q. And at some point you filed an EEO case,  
2 correct?  
3 **A. Yes.**  
4 Q. And did you do that on the advice of anyone,  
5 or did you come to that decision on your own?  
6 **A. Actually on the advice of the union.**  
7 Q. Okay. And were they helping you through that  
8 process?  
9 **A. The EEO process?**  
10 Q. Yeah.  
11 **A. No. They didn't -- they will only deal with**  
12 **the contractual issues.**  
13 Q. Okay. But ultimately through the grievance  
14 process, there was ultimately an arbitration, correct?  
15 **A. Yes.**  
16 Q. Okay.  
17 **A. For the second one. The first one was**  
18 **settled.**  
19 Q. Okay. And the arbitrator essentially agreed  
20 with you that the notice of removal was -- was  
21 unjustified, correct?  
22 **A. Yes.**  
23 Q. And so he or she awarded you full restoration  
24 of lost pay and benefits, correct?  
25 **A. Back pay, yes.**

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1 Q. And did you receive that?  
2 **A. Yes.**  
3 Q. And in this lawsuit, you're not claiming or  
4 seeking any damages or money for that -- that time frame  
5 between when you were terminated -- your termination was  
6 effective and --  
7 MS. FISHER: I'm just making sure she  
8 knows --  
9 MR. VISOSKY: Yeah.  
10 MS. FISHER: -- I'm going to place an  
11 objection.  
12 MR. VISOSKY: Sure.  
13 MS. FISHER: Go ahead.  
14 Q. (By Mr. Visosky) Let me re-ask it.  
15 In this lawsuit, are you claiming any -- well,  
16 let me ask it this way: Is there any part of this  
17 lawsuit where you're seeking damages for pay or benefits  
18 during the time between when your termination was  
19 effective and you returned to work in April 2013 that  
20 you were entitled to but didn't receive?  
21 **A. No.**  
22 Q. And I'm not talking about -- I understand you  
23 have compensatory claims and that sort of thing.  
24 So once your termination was effective or even  
25 before that when you found out about it, did you apply

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<p>1 for any -- any jobs to support either yourself or your</p> <p>2 family?</p> <p>3 <b>A. I applied for unemployment.</b></p> <p>4 Q. Okay. Unemployment compensation?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Okay. And that was with the Texas Workforce</p> <p>7 Commission?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Okay. And how long did that whole process</p> <p>10 take?</p> <p>11 <b>A. I believe I filed in December of 2012, and my</b></p> <p>12 <b>claim was denied. I appealed it. I won the appeal. I</b></p> <p>13 <b>believe I received the first check in March of 2013.</b></p> <p>14 Q. Okay. So apart for applying for unemployment</p> <p>15 compensation, did you apply for any jobs?</p> <p>16 <b>A. I was required through the Texas Workforce</b></p> <p>17 <b>Commission to do a search on their website for jobs that</b></p> <p>18 <b>I was qualified for. And there were no jobs within my</b></p> <p>19 <b>area that I qualified for, but I did do my searches.</b></p> <p>20 Q. When you say jobs that you were qualified for,</p> <p>21 what do you mean? I mean, what would you consider a job</p> <p>22 that you were qualified for?</p> <p>23 <b>A. Carrying mail. Computer work. That was</b></p> <p>24 <b>basically the -- what I had done in the last 20 years,</b></p> <p>25 <b>or 15 at the time.</b></p>	<p>1 your attorney a copy of an MP3 file that included a</p> <p>2 recording. I would just like to play it -- not the</p> <p>3 whole thing for you, because I understand there's not a</p> <p>4 whole lot in the beginning of it.</p> <p>5 Let me just start it up here.</p> <p>6 MR. VISOSKY: And this, for the record,</p> <p>7 is on a CD that's been marked as Exhibit 5 to the</p> <p>8 deposition.</p> <p>9 <b>A. I believe it's probably the last two minutes.</b></p> <p>10 <b>(Video clip begins.)</b></p> <p>11 Q. (By Mr. Visosky) First of all, just while this</p> <p>12 is going on in the background, we're hearing kind of</p> <p>13 a -- let me turn down the volume.</p> <p>14 What -- what is this? What are we listening</p> <p>15 to right now?</p> <p>16 <b>A. This is me walking.</b></p> <p>17 <b>(Video clip stopped.)</b></p> <p>18 Q. (By Mr. Visosky) Okay.</p> <p>19 <b>A. That noise, the beep you heard was my badge,</b></p> <p>20 <b>me coming in the back door. I on this particular day</b></p> <p>21 <b>received a phone call from a fellow carrier saying that</b></p> <p>22 <b>I had a -- an additional hamper of packages that were</b></p> <p>23 <b>not by where my case is or where my original hamper of</b></p> <p>24 <b>packages were that I was unaware of. And so I drove</b></p> <p>25 <b>back to the Post Office. And the beginning of it is me</b></p>
Page 82	Page 84
<p>1 Q. After you received or found out about the --</p> <p>2 the termination, did you seek any medical help during</p> <p>3 that time?</p> <p>4 <b>A. Medical...?</b></p> <p>5 Q. I mean, did you go to any doctors for any</p> <p>6 reason?</p> <p>7 <b>A. Relating --</b></p> <p>8 Q. Yeah. Let's say related to your receipt of</p> <p>9 notice of removal. Did that affect you emotionally?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Okay. And -- well, first of all, just</p> <p>12 describe, you know, how it affected you emotionally.</p> <p>13 <b>A. I think I went through every emotion there was</b></p> <p>14 <b>on a daily basis. You know, anger, upset. All of it.</b></p> <p>15 Q. Did you seek any medical treatment for any</p> <p>16 emotional distress you may have suffered from the</p> <p>17 termination?</p> <p>18 <b>A. Can I get some water?</b></p> <p>19 MR. VISOSKY: Absolutely. Let's just</p> <p>20 take a break.</p> <p>21 (9-minute break taken.)</p> <p>22 (Exhibit 5 marked.)</p> <p>23 Q. (By Mr. Visosky) All right, Mrs. Cox, we're</p> <p>24 back on the record.</p> <p>25 I did just want to ask you, we received from</p>	<p>1 <b>loading all of these packages and --</b></p> <p>2 Q. And -- I'm sorry.</p> <p>3 <b>A. Go ahead.</b></p> <p>4 Q. What day was -- was this recorded?</p> <p>5 <b>A. April the 26th, 2013.</b></p> <p>6 Q. And what day did you return to work after you</p> <p>7 received the arbitrator's award?</p> <p>8 <b>A. April 19th, 2013.</b></p> <p>9 Q. So this is a week after you returned to work?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. And why did you decide to record you walking</p> <p>12 into the Post Office?</p> <p>13 <b>A. The main reason is because when I came back</b></p> <p>14 <b>in, I realized that Joe was not -- who had been there at</b></p> <p>15 <b>the Post Office that morning, but he was not there and</b></p> <p>16 <b>Cynthia Freeman was.</b></p> <p>17 Q. And so why would that make a difference of</p> <p>18 why -- if Joe wasn't there, why would you --</p> <p>19 <b>A. Because at this point, I had already had</b></p> <p>20 <b>two -- at least two different interactions with her</b></p> <p>21 <b>where she was continuing the behavior of before I -- my</b></p> <p>22 <b>removal.</b></p> <p>23 Q. Okay. So did -- when you were walking in to</p> <p>24 the Post Office this day, April 26th, did you expect to</p> <p>25 speak with Mrs. Freeman?</p>

<p style="text-align: right;">Page 85</p> <p>1     <b>A. I knew I had to.</b></p> <p>2     Q. Okay. And how did you know that?</p> <p>3     <b>A. Because I was required to drive back to the</b></p> <p>4 <b>Post Office and load these packages and drive back to my</b></p> <p>5 <b>route, which takes time. And everything to do with the</b></p> <p>6 <b>city carrier's job --</b></p> <p>7     Q. Okay.</p> <p>8     <b>A. -- is about time.</b></p> <p>9     Q. Okay. And so you were -- had you already done</p> <p>10 your route for the day?</p> <p>11     <b>A. No. I had already begun my route, but I</b></p> <p>12 <b>wasn't very far --</b></p> <p>13     Q. Oh, okay.</p> <p>14     <b>A. -- into the route.</b></p> <p>15     Q. I misunderstood you. So you were already</p> <p>16 out --</p> <p>17     <b>A. Yes.</b></p> <p>18     Q. -- on your route.</p> <p>19     Then you get a call from one of your fellow</p> <p>20 carriers that there's an additional hamper?</p> <p>21     <b>A. Yes.</b></p> <p>22     Q. Okay. And, I mean, what does that mean? When</p> <p>23 you get the mail from the Post Office to your mail truck</p> <p>24 or whatever, what's that mean, there's an additional</p> <p>25 hamper?</p>	<p style="text-align: right;">Page 87</p> <p>1     <b>yeah, he said, that was my fault. I had -- you know, I</b></p> <p>2 <b>forgot to tell you that you had another package --</b></p> <p>3 <b>hamper.</b></p> <p>4     <b>And it was not there. There's all kinds of</b></p> <p>5 <b>other equipment that other people use, so it's kind of</b></p> <p>6 <b>difficult to put an extra hamper right there.</b></p> <p>7     <b>And he made the comment that one of the other</b></p> <p>8 <b>carriers -- I think he might have said Gary -- that I</b></p> <p>9 <b>never have to tell Gary; he just knows if there's no</b></p> <p>10 <b>packages in your hamper, that he probably has another</b></p> <p>11 <b>one. And stated, well, I had packages in my hamper, so</b></p> <p>12 <b>I just thought it was a light day.</b></p> <p>13     <b>Because I was used to being told or -- you</b></p> <p>14 <b>know, or seeing it or whatever. And I don't -- I had no</b></p> <p>15 <b>idea where it was at --</b></p> <p>16     Q. Okay.</p> <p>17     <b>A. -- in the Post Office.</b></p> <p>18     Q. And I just want to get the timing down. So</p> <p>19 you're on your route. You get a call from a carrier</p> <p>20 saying there's this hamper. And then after that, you</p> <p>21 call Mr. McQuiston?</p> <p>22     <b>A. No. I came -- I came back to the Post Office.</b></p> <p>23     Q. Oh, so you talked with him personally? I</p> <p>24 thought he wasn't there that day?</p> <p>25     <b>A. He was there that morning.</b></p>
<p style="text-align: right;">Page 86</p> <p>1     Is the mail like set out in hampers and then</p> <p>2 each carrier has a certain...?</p> <p>3     <b>A. Yes. We have hampers that are lined up in</b></p> <p>4 <b>one, two, three -- which there's no city four -- five,</b></p> <p>5 <b>six, seven. We all have our own hamper. They have our</b></p> <p>6 <b>numbers on them.</b></p> <p>7     <b>And then they have these little heavy -- or</b></p> <p>8 <b>like gray tub things that are hung on them. And what we</b></p> <p>9 <b>call a parcel is anything basically that won't fit in a</b></p> <p>10 <b>mailbox. And then what we call a spur is -- it's a</b></p> <p>11 <b>package -- it's not a magazine or a flat, as we call</b></p> <p>12 <b>them -- but it's small enough that it will fit in a</b></p> <p>13 <b>mailbox.</b></p> <p>14     <b>So all of our stuff is in those; our packages,</b></p> <p>15 <b>our spurs. The mail is brought to our cases. So I case</b></p> <p>16 <b>my mail. I get my hamper. I put my mail in my hamper,</b></p> <p>17 <b>take it out, deliver.</b></p> <p>18     Q. Okay. So when you get a call from the carrier</p> <p>19 there's an additional hamper, was it a hamper that you</p> <p>20 missed or it was something that was added to your route</p> <p>21 or what? Just explain what it was.</p> <p>22     <b>A. I actually spoke with Joe McQuiston, I</b></p> <p>23 <b>believe -- I believe this was on a Friday, and I believe</b></p> <p>24 <b>I spoke with him on that next Monday. And I asked him</b></p> <p>25 <b>if he was aware that I had to come back. And he said,</b></p>	<p style="text-align: right;">Page 88</p> <p>1     Q. Uh-huh.</p> <p>2     <b>A. And he ran the floor.</b></p> <p>3     Q. Yeah.</p> <p>4     <b>A. I received the call from a fellow carrier.</b></p> <p>5 <b>Actually, she is a rural carrier. Her husband is a city</b></p> <p>6 <b>carrier. And --</b></p> <p>7     Q. Who was it? I'm sorry to interrupt.</p> <p>8     <b>A. Kelly Watson. Her husband is David Watson.</b></p> <p>9     <b>And I don't know if maybe David didn't have my</b></p> <p>10 <b>phone number, I don't know. But David noticed that</b></p> <p>11 <b>there was a hamper there with packages for the route</b></p> <p>12 <b>that I was on. So he asked his wife to call me to let</b></p> <p>13 <b>me know.</b></p> <p>14     <b>So I left the route, drove back to the Post</b></p> <p>15 <b>Office, loaded the packages up, lined them up in my</b></p> <p>16 <b>truck by order, and then came back in. And that's when</b></p> <p>17 <b>I went to the desk and talked to Cynthia Freeman.</b></p> <p>18     Q. So when did you talk with Mr. McQuiston?</p> <p>19     <b>A. On the Monday after. This was on a Friday, I</b></p> <p>20 <b>believe.</b></p> <p>21     <b>Q. Oh, okay. So you didn't talk with him on</b></p> <p>22 <b>April 26th?</b></p> <p>23     <b>A. No.</b></p> <p>24     Q. Okay.</p> <p>25     <b>And so -- okay. Before we listen, just tell</b></p>

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1 me what happened when you go into -- when you come back  
2 from the route, I guess to pick up this extra hamper or  
3 whatever, what happens then.  
4 **A. I took the packages out and loaded them in my**  
5 **vehicle, lined them up with the packages I already had.**  
6 **Brought the hamper back in.**  
7 **I went over to the desk and I said, I am**  
8 **probably still going to be okay, but do you want me to**  
9 **fill out a 3996 -- which is a slip asking for**  
10 **overtime -- just in case. And she says, you do what you**  
11 **need to do to cover yourself. And I said, okay.**  
12 **And then so I went around the -- the computer**  
13 **is facing this way (indicating), so I'm standing here**  
14 **talking to her. So I went around to the desk drawer**  
15 **that the 399 -- the blank ones are in. And I pulled one**  
16 **out and I pulled it up on the desk and I started filling**  
17 **it out.**  
18 **Well, then she -- so she has her back to me.**  
19 **And then she turns and she's like, what are you doing?**  
20 **And I'm -- I was kind of confused because I had just had**  
21 **this conversation. And I said, I'm just putting this in**  
22 **for 15 minutes. I'm probably still going to be okay.**  
23 **And she said, well, you know those have to be in by**  
24 **8:45. And I said, I'm not -- you know, I didn't know at**  
25 **8:45 that I had an additional hamper and it's, you know,**

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1 **taken me at least 15 minutes to drive back here and do**  
2 **all that.**  
3 **And she said, I believe, something to the**  
4 **effect of well, did you get with Joe? And I said, no,**  
5 **he's already -- he's not here. And she said, it was --**  
6 **something like, I'm not -- it doesn't matter or -- it's**  
7 **the same or something. And I said, well, this is**  
8 **different. This is not a normal -- this was different.**  
9 **And she's like, no, it's the same. I'm not going to**  
10 **play games with you. And I was just like, okay. And**  
11 **you know, so I said, I'll do my best.**  
12 **And it's hard to hear. You have to really**  
13 **listen because I'm actually walking away and so you've**  
14 **got that noise. But if you listen really hard, you can**  
15 **hear her say, well, you're going to have to do better**  
16 **because your best ain't good enough.**  
17 **Q. Okay. And did you end up filling out the**  
18 **form, whatever the form is --**  
19 **A. For 15 minutes.**  
20 **Q. -- for overtime?**  
21 **Before you went back out on your route?**  
22 **A. Yes.**  
23 **Q. And did you get that overtime?**  
24 **A. I -- I couldn't tell you if I went over or**  
25 **not.**

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1 Q. Okay. Okay. Let me see.  
2 MR. VISOSKY: And again, just for the  
3 record, I'm going to play what's been marked as  
4 Exhibit 5.  
5 (Video clip begins.)  
6 Q. (By Mr. Visosky) And let me fast forward. You  
7 can see the timing on it, just so you're not like...  
8 **A. Yeah, it's --**  
9 Q. It's just a lot of like --  
10 **A. It's probably close to the last couple of**  
11 **minutes.**  
12 (Video clip stopped.)  
13 Q. (By Mr. Visosky) Why are you recording all of  
14 this part? Like, I mean --  
15 **A. Because I had already -- I had been back to**  
16 **work at this point one week.**  
17 Q. No, no, no. I mean -- I mean, I understand  
18 why you might have wanted to record any conversation.  
19 But like, was anyone around at this point? Like why  
20 were you recording like...?  
21 **A. That's just because I had learned in that one**  
22 **week that I -- I couldn't -- if she was there and he was**  
23 **not, it was very likely I was going to get accosted.**  
24 Q. What about -- and by "accosted," you don't  
25 mean physically, right?

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1 **A. No. I just -- you can tell by the tone of the**  
2 **voice and just -- and saying what she said.**  
3 Q. How -- how is this -- what were you recording  
4 this on?  
5 **A. I had a digital recorder in my pocket.**  
6 Q. Okay.  
7 (Video clip begins.)  
8 **A. That's it.**  
9 Q. (By Mr. Visosky) Is that the start of it?  
10 **A. That was me saying I'm probably going to be**  
11 **okay.**  
12 Q. Oh, wait. I'll back up.  
13 (Video clip stopped.)  
14 MR. VISOSKY: And just for the record,  
15 I'm starting playing continuously from what's marked on  
16 the screen as 9 minutes 10 seconds on Defendant's  
17 Exhibit 5 -- or Deposition Exhibit 5.  
18 (Video clip begins.)  
19 (Video clip stopped.)  
20 Q. (By Mr. Visosky) Let me just -- in the  
21 background, this is at 10 minutes 50 seconds, the person  
22 talking just a second -- I mean, not --  
23 **A. Somebody across the room. I don't know.**  
24 Q. Okay. That's -- okay.  
25 (Video clip begins.)

<p style="text-align: right;">Page 93</p> <p>1 (Video clip stopped.)</p> <p>2 Q. (By Mr. Visosky) What -- and I take it -- now</p> <p>3 we're at 11 minutes, 18 seconds. The voice we just</p> <p>4 heard, was that Mrs. Freeman?</p> <p>5 <b>A. Uh-huh.</b></p> <p>6 Q. If you know, what she's talking about 8:45 and</p> <p>7 you have to do something by a certain time?</p> <p>8 <b>A. She's saying the 3996 that I spoke about</b></p> <p>9 <b>that's asking for overtime, --</b></p> <p>10 Q. Uh-huh?</p> <p>11 <b>A. -- that they have a general rule that you're</b></p> <p>12 <b>supposed to have that in by I think she said 8:45.</b></p> <p>13 <b>Normally, I think at that time we were coming in at</b></p> <p>14 <b>7:30, so it was about 8:30, 8:45. That way the</b></p> <p>15 <b>supervisor or the Postmaster has time to determine</b></p> <p>16 <b>whether or not you were -- you are entitled to any</b></p> <p>17 <b>overtime and they can approve or disapprove it and tell</b></p> <p>18 <b>the carrier.</b></p> <p>19 Q. Okay.</p> <p>20 (Video clip begins.)</p> <p>21 <b>A. That's -- you heard it?</b></p> <p>22 <b>And that's just me walking out.</b></p> <p>23 <b>(Video clip stopped.)</b></p> <p>24 Q. (By Mr. Visosky) Okay. Is that the --</p> <p>25 <b>A. Yeah.</b></p>	<p style="text-align: right;">Page 95</p> <p>1 <b>A. I believe Friday.</b></p> <p>2 Q. Okay.</p> <p>3 <b>A. So I believe it was Monday.</b></p> <p>4 Q. And what did you tell Mr. McQuiston?</p> <p>5 <b>A. I asked him if he was aware that I had to come</b></p> <p>6 <b>back. And he said that, yes, that -- that was my fault.</b></p> <p>7 <b>You know, I apologize. You know, I forgot to tell you</b></p> <p>8 <b>that you had another hamper. I never have to tell --</b></p> <p>9 <b>whoever he said -- because they know if they don't have</b></p> <p>10 <b>hampers in their parcels. And I said, I did have -- I</b></p> <p>11 <b>did have parcels in my hamper. And he said oh, okay.</b></p> <p>12 <b>Then I said -- I told him what -- exactly what</b></p> <p>13 <b>happened on -- you know, what she said to me. And he</b></p> <p>14 <b>was, you know, just like, okay, I'll talk to her.</b></p> <p>15 <b>And then I stated that I feel like she is</b></p> <p>16 <b>harassing me and that I feel like she is creating a</b></p> <p>17 <b>hostile work environment for me.</b></p> <p>18 Q. And what did he say or do?</p> <p>19 <b>A. Okay, I'll talk to her.</b></p> <p>20 Q. And do you know if he did talk to her?</p> <p>21 <b>A. I have no idea.</b></p> <p>22 Q. Did you ever receive any discipline as a</p> <p>23 result of this incident?</p> <p>24 <b>A. Not this incident, --</b></p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 94</p> <p>1 Q. -- the end of the voice part?</p> <p>2 <b>A. Uh-huh.</b></p> <p>3 Q. Okay.</p> <p>4 Did you have any further interaction with</p> <p>5 Mrs. Freeman that day? And again, that would be</p> <p>6 April 26th.</p> <p>7 <b>A. I don't -- I don't recall. Probably not.</b></p> <p>8 Q. Okay. Did you make any -- well, first of all,</p> <p>9 what we just heard and how Mrs. Freeman spoke and what</p> <p>10 she was saying, I mean, do you find any -- I mean, is</p> <p>11 there anything objectionable about that or did that --</p> <p>12 <b>A. Telling somebody they better do better because</b></p> <p>13 <b>their best isn't good enough is absolutely</b></p> <p>14 <b>objectionable.</b></p> <p>15 Q. Did you complain to anyone about it?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Who?</p> <p>18 <b>A. Joe McQuiston.</b></p> <p>19 Q. When?</p> <p>20 <b>A. On April the 29th.</b></p> <p>21 Q. Okay. That would have been the Monday --</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. -- the following Monday?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. Okay. The 26th was what?</p>	<p style="text-align: right;">Page 96</p> <p>1 <b>A. -- no.</b></p> <p>2 Q. And I think you said earlier -- and correct me</p> <p>3 if I'm wrong -- that you're not sure whether you</p> <p>4 submitted or received the overtime pay for taking an</p> <p>5 extra hamper?</p> <p>6 <b>A. I have -- no, I don't know that particular</b></p> <p>7 <b>day.</b></p> <p>8 Q. Okay. So after April 26th, 2013, was there</p> <p>9 any other encounters or things that Mrs. Freeman did</p> <p>10 that you were -- you are claiming or contending was</p> <p>11 hostile?</p> <p>12 <b>A. I believe for the most part, any particular</b></p> <p>13 <b>instance like that one not until October. Well, it was</b></p> <p>14 <b>actually the very end of September.</b></p> <p>15 Q. And just tell me what happened then.</p> <p>16 <b>A. Joe was vacation, training somewhere; he was</b></p> <p>17 <b>not there that entire week. She every morning pretty</b></p> <p>18 <b>much was coming over and just questioning me about</b></p> <p>19 <b>saying that I went over on my office time, when I knew</b></p> <p>20 <b>that I didn't. Just constantly questioning me about my</b></p> <p>21 <b>route, my performance.</b></p> <p>22 <b>And I was performing the exact same way that I</b></p> <p>23 <b>always did when Joe was on the floor, and he never had</b></p> <p>24 <b>to question me or said that I went over or -- because</b></p> <p>25 <b>I -- I'm a very hard worker. I try my best.</b></p>



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1 I understand it. You know, I understand that  
2 I'm allowed this much time for this, and I -- so I don't  
3 take more time.  
4 And then it all came down to August -- I mean,  
5 October the 4th, which was a Friday. And I had put in a  
6 annual leave slip to ask to be off at 1:00 p.m. I had  
7 an appointment at 1:15 p.m. And I had -- in Overton, so  
8 I had just enough time to get to it.  
9 And that morning -- and this --  
10 (Computer beeping.)  
11 Q. (By Mr. Visosky) Sorry.  
12 A. That was not me.  
13 And this -- that morning when the schedule had  
14 been made, it had been wrote on the schedule, leave,  
15 1:00 p.m.  
16 And so I came in that morning. We -- we began  
17 work at -- I think at that time it was 7:00 p.m. And so  
18 without -- no. It was 7:30 p.m.  
19 MS. GEGEN: Do you mean a.m.?  
20 THE WITNESS: Yes, a.m. I'm sorry.  
21 A. 7:30 a.m.  
22 And so without a lunch, without taking a  
23 lunch, my eight hours would be 8:30. And I had -- let's  
24 see. This was -- yeah, I had a mini bid, and so I was  
25 on the same route every day. And so for me to be able

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1 to be off by 1:00 p.m., the management would have to  
2 take two and a half hours off of my route and hand off  
3 to other carrier or carriers.  
4 Angie Rojas, who is actually now our  
5 supervisor, was a 204-B at the time. And so since Joe  
6 was not there, Cynthia was running the floor, Angie was  
7 the p.m. supervisor.  
8 And Angie had came in. And she come over and  
9 she gives me a 3996, which is the overtime slip and --  
10 because what will happen is, if they're having to take  
11 mail off of me, they will fill one out. And then  
12 they'll give it to me, and it says what territory I'm  
13 going to give off. And then they give it to that --  
14 like the carrier who is going to carry its name down  
15 here. And then there's a place where they can keep up  
16 with their time.  
17 And she brought me one that said an hour and  
18 54 minutes. The territory that they took off is  
19 actually the route that is my regular route now and was  
20 pretty of the same back then, and it was around an hour  
21 and a half. And -- but she put on the paper an hour and  
22 54 minutes.  
23 I told Angie at that time that she brings me  
24 this 3996 that that's not enough. I have to be off by  
25 1:00. I had an appointment.

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1 And she said, I don't know; that's just what  
2 she gave me. And I said, okay. Well, I will do every  
3 bit that I can, but I have to be gone by 1:00 p.m. And  
4 so any that I can't continue, I will bring back and let  
5 y'all know.  
6 And there was, I think, 20, 25, maybe 30  
7 minutes at the very, very end of the route that I could  
8 not complete. I did not take a break. I did not stop  
9 for anything. I went as fast as I could to get as much  
10 done.  
11 And when I brought it back, she started -- she  
12 came out. I told her, this is --  
13 Q. I'm sorry, who is "she"?  
14 A. Cynthia.  
15 Q. Okay.  
16 A. Angie was not there at the time.  
17 Cynthia came out. I said, there's 20, 25  
18 minutes, 30 minutes there. And she said, no, ma'am, you  
19 go back out there and carry it right now. And I'm like,  
20 no, ma'am. I have a leave slip and I have to leave at  
21 1:00. No, you're going back and carrying it right now.  
22 I said, no, ma'am, I am not. I have an approved leave  
23 slip to leave at 1:00. No you don't. That's incidental  
24 leave. I said, that doesn't matter, it's approved.  
25 It's even on the schedule. I have to leave at 1:00.

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1 And then she -- she's yelling at me, I'm --  
2 I'm going to -- I'm going to report you for delaying the  
3 mail. And I said, no, ma'am, I am not.  
4 And so she started toward the supervisor's  
5 desk and I went toward the time clock. And right as I  
6 was clocking off, she's screaming at me, you better not  
7 leave this building. I'm giving you a direct order.  
8 And I clocked -- I had clocked off, I went to  
9 my car, and I left.  
10 And then on I believe it was -- oh, and at  
11 some point in that she said, don't come back in this  
12 building without a union steward.  
13 And so I went and -- to my appointment. And I  
14 believe I was off -- I believe I was on annual leave on  
15 that next day on that Saturday. I believe my regular  
16 day off was Monday.  
17 And then so Tuesday, I believe it was, when I  
18 came back in, she called me into the office. I informed  
19 her that I wanted Laura Maglaris, who is a union steward  
20 in Longview, to represent me.  
21 She got her over there. And she did an  
22 investigation -- you know, what they called an INI  
23 investigation. And then she issued me a letter of  
24 warning.  
25 Q. And what was the letter of warning for?



Page 101	Page 103
<p>1 <b>A. I believe she -- it was for failure to follow</b></p> <p>2 <b>instructions, I believe.</b></p> <p>3 Q. Okay. And did you speak with Joe McQuiston</p> <p>4 about any of this?</p> <p>5 <b>A. Oh, yes. When he returned. I'm not sure</b></p> <p>6 <b>when -- when he returned after that.</b></p> <p>7 <b>But I'm sure I told him about it. But at this</b></p> <p>8 <b>point I had come to the conclusion that she was just</b></p> <p>9 <b>going to continue, and so I filed a second EEO.</b></p> <p>10 Q. You mentioned that -- that -- and again, I</p> <p>11 forget the -- it was October --</p> <p>12 <b>A. Fourth.</b></p> <p>13 Q. -- 4th, that you had submitted a leave slip</p> <p>14 was -- and you said it was approved, right?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. And do you know what supervisor had approved</p> <p>17 it?</p> <p>18 <b>A. Joe.</b></p> <p>19 Q. And was there something -- well, approved.</p> <p>20 Was there something in writing that was signed by him?</p> <p>21 <b>A. Yes. There's a -- it's called a form 3971,</b></p> <p>22 <b>that when we want time off -- whether it's sick leave,</b></p> <p>23 <b>annual leave, court leave, whatever -- we're required to</b></p> <p>24 <b>fill it out.</b></p> <p>25 Q. What's the difference between incidental leave</p>	<p>1 as a result of this incident?</p> <p>2 <b>A. I filed a grievance on the letter of warning</b></p> <p>3 <b>that I received, and it was dropped.</b></p> <p>4 Q. And what was it -- was it dropped entirely?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Okay.</p> <p>7 MS. GEGEN: Just to clarify: Was the</p> <p>8 letter of warning dropped or the grievance dropped?</p> <p>9 THE WITNESS: The letter of warning was</p> <p>10 dropped.</p> <p>11 MS. GEGEN: Okay.</p> <p>12 <b>A. That's what the grievance was on.</b></p> <p>13 Q. (By Mr. Visosky) Okay.</p> <p>14 <b>A. Again, the union will only deal with</b></p> <p>15 <b>contractual issues. And the letter of warning was</b></p> <p>16 <b>corrective action, which was a contractual issue.</b></p> <p>17 Q. And you have no recording of the October 4th</p> <p>18 interactions with Mrs. Freeman?</p> <p>19 <b>A. I believe I do. I'm still kind of searching</b></p> <p>20 <b>my computer. They're not numbered. And I've been</b></p> <p>21 <b>fighting with my computer. I believe I -- I actually</b></p> <p>22 <b>believe I do have that --</b></p> <p>23 Q. Okay.</p> <p>24 <b>A. -- but I haven't been able to find.</b></p> <p>25 Q. Other than possibly the October 4th and the</p>
Page 102	Page 104
<p>1 and --</p> <p>2 <b>A. The only difference is that we have a -- our</b></p> <p>3 <b>vacation time is -- we have a choice leave calendar, the</b></p> <p>4 <b>city carriers and the clerks do.</b></p> <p>5 <b>And so basically they put every week -- the</b></p> <p>6 <b>vacation week, even though our postal week starts on</b></p> <p>7 <b>Saturday, it starts on Sunday. They list every single</b></p> <p>8 <b>week from Sunday to Saturday. Then in order of</b></p> <p>9 <b>seniority, it goes through a rotation twice. And</b></p> <p>10 <b>usually November, December, we sign up for what weeks we</b></p> <p>11 <b>want. That is called choice leave.</b></p> <p>12 <b>Anything else is incidental leave.</b></p> <p>13 Q. Okay. Are there any policies in place that</p> <p>14 require if you have an approved leave slip for</p> <p>15 incidental leave -- well, let me -- let me back up.</p> <p>16 Would you agree that this was incidental</p> <p>17 leave?</p> <p>18 <b>A. It was incidental leave, yes.</b></p> <p>19 Q. It was. Okay.</p> <p>20 Are there any policies or rules within the</p> <p>21 Postal Service that you're aware of that if you submit</p> <p>22 an approved request for incidental leave, that you're</p> <p>23 entitled to -- to get that leave?</p> <p>24 <b>A. It's approved, yes.</b></p> <p>25 Q. Okay. Did you ever file any kind of grievance</p>	<p>1 October -- or April, whatever, 26th recording that we</p> <p>2 listened to earlier, are there any other recordings?</p> <p>3 <b>A. I'm -- I'm sure there is. I believe that I</b></p> <p>4 <b>might have, if I can find it, the one where on the 29th</b></p> <p>5 <b>when I reported it to Joe.</b></p> <p>6 Q. Okay.</p> <p>7 <b>A. I believe. Like I said, I'm kind of fighting</b></p> <p>8 <b>with my computer at the time. I'm trying to find it.</b></p> <p>9 Q. Are --</p> <p>10 <b>A. I thought I had them named, but...</b></p> <p>11 Q. Are there any recordings that -- that you</p> <p>12 might have where nothing in particular may have</p> <p>13 happened? I mean, you expected some kind of encounter</p> <p>14 with some employee or another, and just nothing</p> <p>15 happened? Where you just recorded it, but there's</p> <p>16 really no one speaking or nothing...?</p> <p>17 <b>A. If that was ever the case, then I deleted it.</b></p> <p>18 Q. Okay. Like how many times would you say --</p> <p>19 not the recordings that you kept. But how many times</p> <p>20 between when you returned to work and April of 2013 and</p> <p>21 today would you say you recorded something that happened</p> <p>22 at at -- at the Postal Service?</p> <p>23 <b>A. I have no idea, I really don't.</b></p> <p>24 <b>Like I said, if Joe was there, then nothing</b></p> <p>25 <b>would happen. I -- I learned cars. When I came in the</b></p>

<p style="text-align: right;">Page 109</p> <p>1 Q. (By Mr. Visosky) Not the page number, just the 2 little --</p> <p>3 MS. FISHER: If you don't mind, just a 4 second and I'm going to show you what he's talking 5 about.</p> <p>6 MS. GEGEN: Page 3.</p> <p>7 MS. FISHER: Yeah. It's paragraph 8 numbers.</p> <p>9 <b>A. Oh, okay.</b></p> <p>10 Q. (By Mr. Visosky) This is -- these allegations 11 related to allegations of hostile work environment 12 directed towards Mrs. Freeman's alleged conduct. And 13 you -- you allege in there that Mrs. Freeman was hostile 14 or harassing to white female employees.</p> <p>15 Is it -- is your allegation that she 16 discriminated against or was hostile towards just white 17 people generally or females generally or specifically 18 white females?</p> <p>19 <b>A. This -- this actually talks about before my 20 removal.</b></p> <p>21 MS. FISHER: Okay. But what --</p> <p>22 <b>A. Yes, it was white females.</b></p> <p>23 MS. FISHER: Okay. But I want you to 24 listen carefully to his question and answer it.</p> <p>25 THE WITNESS: Okay.</p>	<p style="text-align: right;">Page 111</p> <p>1 "USPS policies." And Supervisor Freeman was not 2 separated from the Workforce subject to an 3 investigation, which is in violation of USPS's policies. 4 And then it says, as written in Title VII of the 5 discrimination law.</p> <p>6 Are you aware of any particular Postal Service 7 policy that requires a supervisor or manager to separate 8 another supervisor or manager who has had allegations 9 against them of having created a hostile work 10 environment?</p> <p>11 <b>A. To my knowledge, it is postal -- there's a 12 postal rule and an EEO rule that if something is 13 alleged, then that person is supposed to be removed 14 until the investigation is conducted.</b></p> <p>15 Q. So your understanding is if -- if an employee 16 of, say, the Kilgore Post Office complains about a 17 particular supervisor, that supervisor can't have -- 18 that they have to be separated from the complaining 19 employee or from their duties --</p> <p>20 <b>A. I don't --</b></p> <p>21 Q. -- entirely until the investigation is 22 conducted?</p> <p>23 <b>A. I -- to my knowledge, I think from what I 24 understand is that they have to be -- they're supposed 25 to be taken out of that environment until the</b></p>
<p style="text-align: right;">Page 110</p> <p>1 <b>Q. (By Mr. Visosky) So Mrs. Freeman -- just for</b> 2 <b>the record, she is African-American, correct?</b></p> <p>3 <b>A. Yes.</b></p> <p>4 Q. So are -- did you ever witness her being 5 harassing to -- to white males?</p> <p>6 <b>A. No.</b></p> <p>7 Q. Okay. What about black females?</p> <p>8 <b>A. No.</b></p> <p>9 Q. Okay. Any other races? I mean Hispanic? Do 10 any other races work at the -- at the Kilgore Post 11 Office?</p> <p>12 <b>A. We have -- at that time, I -- at least one 13 Hispanic. I don't know -- I don't think there was 14 any, no.</b></p> <p>15 Q. Okay. Are you aware whether any white male 16 employees have filed EEO complaints related to 17 Mrs. Freeman's conduct?</p> <p>18 <b>A. No.</b></p> <p>19 Q. Going back to Paragraph 10 in Exhibit 6. You 20 allege that you reported or told Mr. McQuiston about 21 what you believe to be Mrs. Freeman's having created a 22 hostile work environment at the Post Office. And you 23 allege that -- that he did not properly report Cox's 24 complaint of a hostile work environment in direct 25 violation of USPS -- I think it's supposed to say --</p>	<p style="text-align: right;">Page 112</p> <p>1 <b>investigation is conducted. And that, from my 2 knowledge, I believe an outside person is supposed to 3 come in and investigate that. And I know that never 4 happened.</b></p> <p>5 Q. Okay. So what I think I'm hearing, correct me 6 if I'm wrong, like, for example, when -- when you went 7 to complain to Mr. McQuiston about Mrs. Freeman, you 8 believe that he was required under Postal Service policy 9 to remove her from being a customer service supervisor 10 until the investigation was conducted and completed?</p> <p>11 MS. FISHER: Objection, form.</p> <p>12 But you can answer the question.</p> <p>13 <b>A. After my removal, I believe that once I 14 learned -- I gained a lot of knowledge throughout that 15 process. I don't think I knew that before.</b></p> <p>16 Q. (By Mr. Visosky) Okay. And you might not be 17 able to do it, but I'm just going to ask. I mean, can 18 you identify any particular -- like what's your 19 understanding of this Postal Service policy -- this 20 alleged Postal Service policy, based on is there any 21 particular handbook or booklet or --</p> <p>22 <b>A. I have no idea.</b></p> <p>23 Q. -- thing you can point to? Okay. 24 (Exhibit 7 marked.) 25 MS. FISHER: Thank you, sir.</p>

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1 **A. Do I have an account that says it's a savings**  
2 **account in a bank?**  
3 Q. Right.  
4 **A. No, I don't.**  
5 Q. Okay. Do you have any other family wealth or  
6 interest that we haven't talked about today, like oil  
7 somewhere, --  
8 **A. No.**  
9 Q. -- an inheritance or anything?  
10 **A. Unfortunately, no.**  
11 Q. Well, Mrs. Cox, I know this was difficult.  
12 But I thank you for coming in today and answering my  
13 questions.  
14 MR. VISOSKY: That's all I've got right  
15 now.  
16 MS. FISHER: I'll reserve my questions.  
17 (Proceedings concluded at 1:35 p.m.)  
18  
19  
20  
21  
22  
23  
24  
25

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1 CHANGES AND SIGNATURE  
2  
3 WITNESS: KIMBERLY COX  
4 DATE OF DEPOSITION: DECEMBER 1, 2016  
5  
6 PAGE/LINE CHANGE REASON  
7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_  
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22 \_\_\_\_\_  
23  
24 I, KIMBERLY COX, have read the foregoing deposition  
25 and hereby affix my signature under the penalty of

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1 perjury that same is true and correct, except as noted  
2 above.  
3  
4 KIMBERLY COX \_\_\_\_\_  
5  
6 THE STATE OF \_\_\_\_\_  
7 COUNTY OF \_\_\_\_\_  
8  
9 Before me, \_\_\_\_\_, on this day  
10 personally appeared KIMBERLY COX, known to me or proved  
11 to me under oath to be the person whose name is  
12 subscribed to the foregoing instrument and acknowledged  
13 to me that he/she executed the same for the purpose and  
14 consideration therein expressed.  
15 Given under my hand and seal of office on this  
16 \_\_\_\_\_ day of \_\_\_\_\_, 2016/2017.  
17  
18  
19 NOTARY PUBLIC IN AND FOR  
20 THE STATE OF  
21  
22  
23 My Commission Expires: \_\_\_\_\_  
24  
25

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 MARSHALL DIVISION  
4 KIMBERLY L. COX, )  
5 Plaintiff, )  
6 vs. ) CIVIL ACTION NO.  
7 MEGAN J. BRENNAN, ) 2:14-CV-00810-JRG-RSP  
8 POSTMASTER GENERAL OF THE )  
9 UNITED STATES, U.S. POSTAL )  
10 SERVICES, )  
11 Defendant. )  
12  
13 REPORTER'S CERTIFICATE  
14 ORAL DEPOSITION OF KIMBERLY COX  
15 DECEMBER 1, 2016  
16  
17 I, Brenda Hightower Smith, Certified Shorthand  
18 Reporter in and for the State of Texas, hereby certify  
19 that this deposition transcript is a true record of the  
20 testimony given by the witness named herein, after said  
21 witness was duly sworn or affirmed by me;  
22 That the deposition transcript was submitted on the  
23 \_\_\_\_\_ day of \_\_\_\_\_ 2016, to the  
24 witness/attorney for examination, signature, and return  
25 to me by the \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
That \$ \_\_\_\_\_ was the charge for the original

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1 deposition charged to the Attorney for the Defendant.

2 That pursuant to the information given to the  
3 deposition officer, the following includes all parties  
4 of record and the time used by each party:

5 Mr. Visosky (4 hrs. 6 mins.)  
6 Attorney for the Defendant  
7 Ms. Fisher (0 mins.)  
8 Attorney for the Plaintiff.

9 I further certify that I am neither attorney nor  
10 counsel for, related to, nor employed by any of the  
11 parties to the action in which this testimony was taken.  
12 Further, I am not a relative nor employee for any  
13 attorney of record in this cause, nor do I have a  
14 financial interest in this action.

15 Subscribed and sworn to on this the 19th day of  
16 December, 2016.

17

18

19

20

21

22 BRENDIA HIGHTOWER SMITH, CSR, RPR, FCRR  
23 Texas CSR No. 3107  
24 Expiration Date: 12/31/2018  
25 DepoTexas, Inc.  
Firm Registration No. 793  
100 E. Ferguson, Suite 900  
Tyler, Texas 75702  
903-593-3213